

MEMORANDUM

GOE  
Agenda Item No. \_\_\_\_\_

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** November 13, 2007

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution Calling for a  
Countywide Special Election  
To be held on January 29,  
2008 on Whether to Amend  
The Home Rule Charter to  
Provide a Method of  
Appointment, Reappointment  
And Dismissal of the Public  
Safety Director

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez, Commissioner Jose "Pepe" Diaz and Commissioner Sally A. Heyman.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/dcp

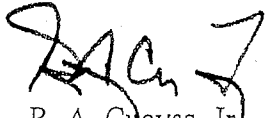


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE:

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No.

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATEWIDE ELECTION TO BE HELD ON JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE A METHOD OF APPOINTMENT, REAPPOINTMENT AND DISMISSAL OF THE PUBLIC SAFETY DIRECTOR AND TO REQUIRE THAT, EXCEPT FOR THE PURPOSE OF TRANSMITTING CONSTITUENT INQUIRIES, BUDGETING, AND FUNDING MATTERS, THE PUBLIC SAFETY DIRECTOR SHALL PERFORM HIS/HER DUTIES WITHOUT SUPERVISION AND INTERFERENCE FROM THE MAYOR OR COUNTY MANAGER

**WHEREAS**, on November 6, 2007, the Miami-Dade County Home Rule Charter Task Force submitted recommendations to the Board of County Commissioners ("Board"); and

**WHEREAS**, those recommendations advised that the County's Public Safety Director (i.e. Sheriff, Police Chief) should remain an appointed position, albeit one with a four-year renewable term, with other requirements and restrictions; and

**WHEREAS**, among those requirements and restrictions were that the Board, by a two-thirds vote, could disapprove the Mayor's initial four-year term appointment and any subsequent renewal terms of the Public Safety Director, and the Board could, by a two-thirds vote, dismiss the Public Safety Director at any time, as could the Mayor with a majority vote of the Board; and

**WHEREAS**, another restriction was that, except for the purposes of transmitting constituent inquiries, budgeting, and funding, the Mayor would be prohibited from supervising and interfering with the performance of the official duties of the Public Safety Director,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. A countywide special election, to be held in conjunction with a statewide election, is hereby called and shall be held in Miami-Dade County, Florida on January 29, 2008 for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

**HOME RULE CHARTER AMENDMENT  
RELATING TO APPOINTMENT, DISMISSAL, AND  
INDEPENDENCE OF THE PUBLIC SAFETY DIRECTOR**

**SHALL THE CHARTER BE AMENDED TO PROVIDE THAT  
THE PUBLIC SAFETY DIRECTOR:**

- **BE APPOINTED BY THE MAYOR TO RENEWABLE  
FOUR-YEAR TERMS, UNLESS DISAPPROVED BY A  
TWO-THIRDS VOTE OF COMMISSIONERS;**

- CAN BE DISMISSED FROM OFFICE BY THE MAYOR WITH A MAJORITY VOTE OF COMMISSIONERS, OR BY A TWO-THIRDS VOTE OF COMMISSIONERS;
- EXCEPT FOR CONSTITUENT INQUIRIES, BUDGETING, AND FUNDING, SHALL PERFORM HIS/HER DUTIES WITHOUT SUPERVISION AND INTERFERENCE FROM THE MAYOR OR MANAGER?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election.

Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez, Commissioner Jose "Pepe" Diaz and Commissioner Sally A. Heyman and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman  
Barbara J. Jordan, Vice-Chairman

Jose "Pepe" Diaz  
Carlos A. Gimenez  
Joe A. Martinez  
Dorrin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Audrey M. Edmonson  
Sally A. Heyman  
Dennis C. Moss  
Natacha Seijas  
Rebeca Sosa

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

MR

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# MIAMI-DADE COUNTY HOME RULE CHARTER

## ARTICLE-2<sup>1</sup>

### MAYOR

\* \* \*

#### Section 2.02. RESPONSIBILITIES OF THE MAYOR

The Mayor shall serve as head of the county government with the following specific powers and responsibilities:

\* \* \*

>>D. The Mayor shall have the power to appoint the Public Safety Director to renewable four-year terms, unless the appointment or any renewal is disapproved by a two-thirds vote of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Public Safety Director can be dismissed by the Mayor, with the consent of a majority vote of those Commissioners then in office, or by the Commission with a two-thirds vote of those Commissioners then in office. Except for the purpose of transmitting constituent inquiries, budgeting, and funding, the Public Safety Director shall perform his or her duties without supervision and interference from the Mayor or the County Manager.<<

~~[[D]]~~ >>E.<< Unless otherwise provided by this Charter, the Mayor shall have the power to appoint all department directors of the administrative departments of the County. Appointment of these department directors shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative director, with or without cause.

~~[[E]]~~ >>F.<< The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular

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<sup>1</sup>Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.



component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.

[[F]] >>G.<< The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners and the Manager.

[[G]] >>H.<< The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall be prepared after consulting with the Manager and budget director and shall set forth the Mayor's funding priorities for the County.

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## ARTICLE-9

### GENERAL PROVISIONS

#### Section 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS

\* \* \*

C. On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the Mayor, who shall assume all the duties and functions of this office required under the Constitution and general laws of this state. The Mayor [[may]] >>shall<< delegate to a suitable person or persons the powers and functions of such office>>, and such person shall hereinafter be referred to as the Public Safety Director and shall carry out the duties and functions of the County Sheriff and the policy directives of the Board of County Commissioners<<.